

YORK COUNTY RULES OF CRIMINAL PROCEDURE
Including Amendments Adopted Through July 1, 2016

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CHAPTER 1
SCOPE OF RULES, CONSTRUCTION AND DEFINITIONS, LOCAL RULES

York R.Crim.P. 100. Scope of Rules

These rules shall govern criminal proceedings, including summary offense proceedings, pending before all courts of the Nineteenth Judicial District of York County, including the Court of Common Pleas and Magisterial District Courts. Unless otherwise specifically provided, these rules shall not apply to juvenile or domestic relations proceedings.

York R.Crim.P. 102. Citing the Criminal Procedure Rules

These Rules shall be known as the "York County Rules of Criminal Procedure" and shall be cited as "York R.Crim.P. ____".

PART A. BUSINESS OF THE COURTS

York R.Crim.P. 103. Definitions.

(A) Unless otherwise expressly stated, all words and phrases, when used in any York County Rule of Criminal Procedure or order, shall have the same meaning as defined in the Pennsylvania Rules of Criminal Procedure.

(B) In addition to any definition supplied by the Pennsylvania Rules of Criminal Procedure, the following words and phrases, when used in any York County Rule of Criminal Procedure or order, shall have the following meanings unless otherwise expressly stated:

Action is any action or proceeding of any nature pending before the Court of Common Pleas of York County or any Magisterial District Court in the 19th Judicial District.

Administrative Office of York County Courts (abbreviated AOYCC) is the Office of District Court Administrator, all court-appointed departments subject to the direction and supervision of the court administrator, and all employees of the office and departments.

Application is any motion, petition, request, or other document requesting or requiring the signature of a judge or action by the court. The term does not include a complaint as set forth in Pa.R.Civ.P. 1017.

Clerk of Courts is the elected or appointed Clerk of the Court of Common Pleas of York County, the Office of the Clerk of Courts, and all employees of the office.

Counsel is an attorney at law, in good standing, admitted to practice to the bar of this Commonwealth. In any action where a defendant proceeds as a self-represented litigant, reference to a defendant's attorney or counsel shall mean the defendant.

County is York County.

Court is the Court of Common Pleas of York County, and Magisterial District Courts of the 19th Judicial District, or a judge of the court.

Courtroom is any courtroom, hearing room, grand jury room, or other rooms in which judicial proceedings are conducted, whether located in the York County Judicial Center, in a magisterial district court building, or any other location within the 19th Judicial District.

Court Administrator is the appointed District Court Administrator for the Court of Common Pleas of York County, the Office of the District Court Administrator, the Administrative Office of York County Courts (AOYCC), and all employees of the office.

District Attorney is the elected or appointed District Attorney of York County, the elected or appointed Attorney General of the Commonwealth of Pennsylvania, any solicitor of any municipality, any special prosecutor, any other entity or individual authorized and assigned to prosecute any matter before the criminal division of this court, and all employees of all of the foregoing.

Judge is the elected or appointed Judge of the Court of Common Pleas or Magisterial District Judge of any Magisterial District Court of the 19th Judicial District to whom the case is assigned, or in the absence of the assigned judge, any other judge of the court as assigned by the court administrator.

Party is the party or parties appearing in the action as self-represented litigants, or the attorney or attorneys of record for such party or parties.

President Judge is the elected President Judge or acting President Judge of the Court of Common Pleas of York County, the Chambers of the President Judge, and all chambers staff.

Probation Department is the York County Department of Probation Services, and all employees of the department.

Prothonotary is the elected or appointed Prothonotary of the Court of Common Pleas of York County, the Office of the Prothonotary, and all employees of the office.

Public Defender is the appointed Public Defender of York County, the Office of the Public Defender, and all employees of the office.

Sheriff is the elected or appointed Sheriff of York County, the Office of the Sheriff, and all employees of the office.

Solicitor is the appointed Solicitor of York County, the Office of the Solicitor, and all employees of the office.

Warden is the appointed Warden of the York County Prison, the Office of the Warden, and all employees of the office.

(C) The singular shall include the plural, and the plural shall include the singular.

York R.Crim.P. 114. Orders and Court Notices: Filing; Service; and Docket Entries

Pursuant to Pa.R.Crim.P. 114(B), the court, court chambers staff, the clerk of courts, and the court administrator are all authorized to perform service of any document upon any party.

York R.Crim.P. 117. Coverage: Issuing Warrants; Preliminary Arraignments and Summary Trials; and Setting and Accepting Bail

(A) A magisterial district judge, known as the "Duty MDJ" shall be on duty after regular business hours for the purpose of conducting judicial business requiring attention without unnecessary delay.

(1) The court administrator shall designate and publish the annual schedule of Duty MDJs prior to November 1 of the preceding year.

(2) A Duty MDJ who is scheduled for a particular time may exchange duty times with another magisterial district judge, and shall make such change known to the court administrator and York County E-911 as soon as is reasonably practical.

(B) The Duty MDJ may perform his or her duties in the Central Booking facility of the Judicial Center, in any magisterial district court office facility, or from any other location equipped to enable sufficient communication and information exchange between the Duty MDJ, defendant, and other court personnel.

(C) The sheriff, clerk of courts, MDJ and other officials operating the Central Booking facility are authorized, pursuant to Pa. R.Crim.P. 535(A), to accept cash bail, deposits, and bail program fees from defendants, sureties and others acting on behalf of the defendants or sureties, to provide receipts and documentation for the same, and to deliver all funds, bail bonds and documentation to the clerk of courts or issuing authority.

PART B. COUNSEL

York R.Crim.P. 120. Attorneys - Appearances and Withdrawals: Limited Entry of Appearance for ARD Application Process

(A) An attorney may, at the time of the entry of appearance in a case, indicate a desire to limit the appearance to the representation of a defendant through the application process and acceptance into the ARD program.

(B) Upon the defendant's rejection from or placement onto the ARD program, the attorney may seek leave of court pursuant to Pa.R.Crim.P. 120(B) to withdraw from any further representation of the defendant in the case.

(C) The attorney shall not terminate representation of the defendant unless and until leave to withdraw the appearance is granted by the court.

PART E. MISCELLANEOUS WARRANTS

York R.Crim.P. 150. Bench Warrants.

(A) Bench Warrants Issued by Judge of Court of Common Pleas.

(1) Hearings for individuals arrested on bench warrants issued by a Judge of the Court of Common Pleas shall be heard by the Judge who issued the bench warrant, if that Judge is available and is still assigned to the criminal division.

(2) In the event that an individual has been arrested on more than one bench warrant issued by different Judges of the Court of Common Pleas, the individual may be taken before any Judge who issued a warrant, who shall conduct a hearing on all of the bench warrants pursuant to which the individual was arrested.

(3) In the event the Judge or Judges who issued a bench warrant are unavailable to conduct a hearing within the time limits set forth in Pa.R.Crim.P. 150, then the hearing shall be conducted by the designated "Duty Judge."

(a) The District Court Administrator shall maintain a list of "Duty Judges" which shall be updated from time to time and circulated among the Judges of the Court of Common Pleas of York County. The District Court Administrator shall assign such hearings to the appropriate Judge from that list if the issuing Judge is not available.

(b) A Judge who is "on duty" for the designed time period shall ensure his or her availability or the availability of another Common Pleas Judge, during normal Court business hours, for the purpose of conducting these hearings and for addressing other matters which may need the attention of the Court and for which the Judge ordinarily assigned to a matter may not be available.

(4) At the conclusion of the bench warrant hearing following the disposition of the matter, the Judge shall immediately vacate the bench warrant, using an ORDER which shall be substantially in the form as prescribed by the President Judge or designee.

(B) Bench Warrants Issued by Magisterial District Judges.

(1) Hearings for individuals arrested on bench warrants issued by a Magisterial District Judge shall be heard by the Magisterial District Judge who issued the bench warrant, or the Magisterial District Judge currently presiding in the magisterial district.

(2) In the event that an individual has been arrested on more than one bench warrant issued by different Magisterial District Judges, the individual may be taken before any Magisterial District Judge who issued a warrant, who may conduct a hearing on all of the bench warrants pursuant to which the individual was arrested.

(3) In the event that the Magisterial District Judge or Judges who issued a bench warrant are unavailable to conduct a hearing within the time limits set forth in Pa.R.Crim.P. 150, or if an individual is arrested after normal business hours on a bench warrant, then the matter or matters shall proceed pursuant to York R.Crim.P. 117.

(C) Release of Individual Not Applicable to Warrants Issued in Parole/Probation Proceedings. An individual arrested as a result of a bench warrant issued in connection with a parole or probation proceeding shall not be released upon the expiration of seventy-two (72) hours without further court order, regardless of whether that individual had a hearing on the bench warrant.

CHAPTER 4. PROCEDURES IN SUMMARY CASES

PART F. PROCEDURES IN SUMMARY CASES FOR APPEALING TO COURT OF COMMON PLEAS FOR A TRIAL DE NOVO

York R.Crim.P. 462. Trial De Novo

(A) Upon receipt of a notice of appeal and the filing of the transcript and other papers by the issuing authority, the court administrator shall assign the case to the next available term of Summary Appeals Court.

(B) Should a party wish to file any pretrial motion for consideration by the trial judge, such motion shall be filed at least ten (10) days prior to the date scheduled for trial, unless grounds for the motion did not previously exist. Motions shall be filed and served in the same manner as provided in York R.Crim.P. 575 and 576.

(C) Any application for a continuance of the trial date shall be filed at least ten (10) days in advance of the date for trial, unless grounds for the motion did not exist prior to that time.

(1) The party applying for a continuance shall contact the opposing party to determine whether there is any opposition for the requested continuance.

(2) The application for continuance shall state specifically the reasons for the continuance, and shall further state whether there is concurrence with the request or whether the request is opposed.

(3) The application for continuance shall be filed and served in the same manner as provided in York R.Crim.P. 575 and 576.

(4) The proposed order shall include space for the setting of an alternate date and time for the rescheduled *de novo* trial.

(D) The court administrator shall maintain a list of days and times during which summary *de novo* trials will be held, and shall publish such dates and times in the Court Calendar at least annually.

CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

PART C. BAIL

PART C(1). RELEASE PROCEDURES

York R.Crim.P. 528. Monetary Condition of Release on Bail: Percentage Cash Bail Program

{This rule is suspended until further order of the court.}

(A) Unless specifically prohibited by order of the bail authority when setting bail in the case, any defendant or the defendant's surety may satisfy the monetary condition of release on bail by depositing with the court a sum of money equal to 10% of the full amount required.

(B) If the defendant is released upon the posting of a 10% deposit and subsequently is found by the court to have violated the conditions of release, the defendant or the defendant's surety shall forfeit to the court the 10% deposit and shall also pay to the court the remaining 90%.

(C) The court shall, by separate administrative order, periodically set a percentage cash bail processing fee that reasonably relates to the cost of administering the percentage cash bail program.

(D) The clerk of courts, controller, treasurer and all other court and county agencies shall ensure that funds collected as the percentage cash bail processing fee are separately accounted for and applied solely to offset the costs associated with administration of the percentage cash bail program.

(E) Upon final disposition of the case, the court shall permanently retain from the 10% deposit the percentage cash bail processing fee, plus an amount equal to the costs associated with the issuance and service of any bench warrants resulting from the defendant's failure to appear for any proceedings in the case, which total amount shall constitute costs associated with administering the percentage cash bail program. Any remaining balance of the 10% deposit shall be disposed of in accordance with Pa.R.Crim.P. 528 and 535.

PART C(2). GENERAL PROCEDURES IN ALL BAIL CASES

York R.Crim.P. 530. Duties and Powers of a Bail Agency

(A) The Administrative Office of York County Courts (AOYCC) is authorized to establish and maintain a bail agency to monitor and assist defendants released on bail pursuant to Pa.R.Crim.P 530 and to assist and advise the court with issues relating to bail.

(B) The AOYCC is authorized to promulgate policies and procedures necessary for the effective and efficient operation of the bail agency.

(C) The AOYCC may establish the bail agency as a subdivision within the York County Department of Probation Services, or as a new and separate department under the jurisdiction of the AOYCC.

(D) Included among the duties and responsibilities of the bail agency is the administration of the percentage cash bail program authorized by York. R.Crim.P. 528.

PART G. PROCEDURES FOLLOWING FILING OF INFORMATION

York R.Crim.P. 570. Pretrial Conference.

(A) Notice of Judge assignment and a pretrial conference date shall be provided to the defendant or defense counsel at arraignment. Notice may be mailed in the case of a written waiver by mail of formal arraignment.

(B) Defendant and defense counsel shall attend a pretrial status conference with the intention of discussing the disposition of the case with the Judge and the assigned prosecutor.

York R.Crim.P. 571. Arraignment

(A) The court administrator shall establish periodic dates for arraignment of defendants and shall publish the dates and times in the Court Calendar at least annually.

(B) A defendant shall be advised orally and in writing, by court order, of the date and time for the arraignment at the defendant's preliminary hearing, or at the time the preliminary hearing is waived. The arraignment date shall normally be set as the fifth (5th) Friday following the date that the preliminary hearing is held or waived, or the next available Friday thereafter in the event of a court holiday.

(C) A waiver of formal arraignment by defendants represented by counsel pursuant to Pa.R.Crim.P. 571(D) may be made without the appearance of the defendant or counsel in Court, provided such waiver is received by the district attorney at least three (3) business days prior to the date scheduled for arraignment.

(1) A waiver of formal arraignment shall be on such form as prescribed by the court, and shall contain at least the information set forth in Pa.R.Crim.P 571(C).

(2) A waiver of formal arraignment is not available to a defendant not represented by counsel.

(D) In the event a defendant scheduled for arraignment is not represented by counsel, formal arraignment shall be conducted in open court by a judge assigned, at the date and time scheduled for arraignment.

PART G(1). MOTION PROCEDURES

York R.Crim.P. 575. Motions and Answers.

If a proposed order is submitted by the applicant with a motion for consideration by the court, the original of such order shall not be stapled to the original motion filed by a party. Such proposed order, if suggesting that a hearing should be held, shall include space for the day, date, time and courtroom assigned for the proposed hearing.

York R.Crim.P. 576. Filing and Service by Parties.

(A) Parties shall satisfy the requirements of Pa.R.Crim.P. 576(B) to serve copies of filings upon the court administrator by delivering the court administrator's copy to the clerk of courts, concurrent with filing of the original with the clerk of courts. The clerk of courts shall promptly place the copy into the court administrator's drop box. No other copies of any filing subject to Pa.R.Crim.P. 576 shall be delivered to the court administrator by any party by any other means.

(B) No party shall file or submit for consideration by a judge any application or other document by facsimile or by electronic mail without prior leave of court, except however that the clerk of courts is authorized to establish a formal e-filing system for the court.

York R.Crim.P. 578. Omnibus Pretrial Motion for Relief

(A) An omnibus pretrial motion for relief shall state the date on which the defendant was arraigned or the date on which a waiver of arraignment was filed, or if not yet arraigned, shall so state.

(B) An omnibus pretrial motion for relief shall state whether the defendant is incarcerated, the place of incarceration, if applicable, and whether any special court service, such as the assistance of an interpreter, is needed.

York R.Crim.P. 579. Time for Omnibus Pretrial Motion and Service

(A) In cases in which a defendant has made an initial application for acceptance to the ARD program, specialty treatment court, or other pretrial diversionary program within thirty (30) days of arraignment or waiver of arraignment filed of record, the time for filing and service of

the omnibus pretrial motions shall be extended to a time not to exceed thirty (30) days after initial rejection of the defendant's application to the pretrial program. The original application for relief shall be filed in the office of the clerk of courts in the manner set forth in Pa.R.Crim.P. 576(A).

(B) In cases in which a defendant has been removed from the ARD program or other pretrial diversionary program, any omnibus pretrial motion for relief must be filed within thirty (30) days of the date of the filing of the order for removal.

CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

PART A. GENERAL PROVISIONS

York R.Crim.P. 619. Admission, Custody and Substitution of Tangible Exhibits

(A) Counsel for the respective parties shall retain possession, and shall be responsible for the care and custody, of all tangible exhibits used at trial, whether or not the same have been presented, marked, identified and used, until such time as they have been formally offered into evidence and the court has made a specific order directing their admission into evidence.

(B) From and after the making of such formal court order of admission, the clerk of courts shall take possession, and shall be responsible for the care and custody, of all such tangible exhibits during the remainder of the trial and thereafter until further order of the court.

(C) Immediately upon the termination of the trial, the clerk of courts shall assemble and identify all such exhibits to the particular case and shall be responsible for their secure care, custody and maintenance, and no such exhibits shall thereafter be removed or destroyed except upon order of the court.

(D) A party who introduces an exhibit which is not readily stored in a standard letter-sized folder shall cause the exhibit to be reduced in size, photographed, or otherwise reproduced so that the exhibit may be readily stored in such folder without impairment of its visual quality.

(E) A party who introduces an exhibit which is not readily stored in a standard letter-sized folder or easily reduced to such size shall take sufficient photographs of the exhibit, or otherwise reproduce it, to accurately capture its likeness, using either film or digital medium and may be expected to substitute the photographs or other reproduction of the actual exhibit in the trial record.

(F) Parties are expected to reduce large quantities of paper records or exhibits to commonly used electronic formats for use at trial and for inclusion in the record.

(G) In the event that an exhibit is substituted by one of the means set forth in this Rule, the offering party shall maintain the original exhibit in safe keeping until the conclusion of the case in which the exhibit was admitted into evidence or made a part of the record.

(H) In the event special software is needed to view electronically stored exhibits, the party offering the exhibits may be required to provide such software to the court for use during trial.

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART A. SENTENCING PROCEDURES

York R.Crim.P. 700. Sentencing Judge

Pursuant to Pa.R.Crim.P. 700(B), sentence in any case arising from a plea of guilty or *nolo contendere*, including probation violation or parole violation sanction or sentence, may be imposed by any judge as assigned by the District Court Administrator. All defendants shall be notified of this provision at the time they enter their plea.

York R.Crim.P. 706. Fines or Costs

(A) A defendant's responsibility for payment of fines and costs imposed by the court pursuant to law (see Pa.R.Crim.P. 706 and 42 Pa.C.S. § 1726) may be modified in particular cases to the extent permitted by law, which modification may include directing a defendant to perform on a work detail or other community service to defray some or all of the fines and costs imposed.

(B) Performance on a work detail or other community service shall defray fines and costs imposed at an hourly rate to be periodically set by separate administrative order of the court.

PART B. POST-SENTENCE PROCEDURES

York R.Crim.P. 720. Post-Sentence Procedures; Appeal.

(A) Filing.

(1) Post-sentence motions shall be filed with the Clerk of Courts in accordance with Pennsylvania Rule of Criminal Procedure No. 720, and copies thereof shall forthwith be served upon the District Attorney.

(B) Procedure.

(1) Briefing Schedule.

(a) Within ten (10) days after a post-sentence motion is filed, if the Judge determines that briefs or memoranda of law are required for a resolution of the motion, the Judge shall schedule a date certain for the submission of briefs or memoranda of law by the defendant and the Commonwealth.

(2) Hearing; Argument.

(a) If the judge determines that a hearing is required, seven (7) days before the date fixed for argument of any post-sentence motions, the defendant and counsel shall file with the Clerk of Courts two (2) copies of a brief in support of all issues raised, and shall forthwith serve a copy thereof upon the District Attorney.

(3) Three (3) days before the date fixed for argument of any post-sentence motions, the District Attorney shall file with the Clerk of Courts two (2) copies of a brief in opposition, and at the same time shall serve a copy of thereof on the defendant or counsel, who may at or before the case is called for argument, file and serve a reply brief. No brief may be filed thereafter without leave of Court.

(4) Failure of either party or counsel to file a brief in support of, or in opposition to, any issue in the case may be considered by the Court to constitute a waiver of the position of such party as to such issue.

(C) Briefs.

(1) All briefs shall be typewritten, and shall contain complete and accurate citations of all authorities. Briefs shall contain a procedural history of the case, a statement of the questions involved, and argument. All briefs more than ten (10) pages in length shall contain an index.

(D) Trial Transcripts.

(1) Argument on and briefing of such motion shall be had without a transcript of the trial or other proceedings, unless grounds for the necessity of such transcription are detailed in the motion.